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September 13, 2024

Via ECF

Honorable George B. Daniels
United States District Court Judge

Re: *In re Terrorist Attacks on September 11, 2001*,
MDL No. 03-MDL-1570 (GBD) (SN)
Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977
Wrongful Death Judgments Against Defendants-in-Default

Your Honor:

I write in response to Your Honor's September 12, 2024 Order (MDL ECF# 10350), which among other things denied three motions filed by my clients seeking punitive damages (or treble damages), prejudgment interest and final default judgments against the defendants-in-default (Iran and the Taliban). *See* MDL ECF## 9949, 10057 and 10339.

Your Honor states in the September 12 Order that the "Court has consistently held that decisions on punitive damages be deferred until further order of the Court. *See* ECF Nos. 3358, 3363, 3383, 3384, 3666." This is not accurate, since this Court has previously granted a final judgment against Iran to at least one subset of plaintiffs. *See Havlish, et al. v. Bin Laden, et al.* (ECF#2618 – Report & Recommendation of M.J. Mass Awarding Punitive Damages Against Iran, and ECF#2624 -- J. Daniels: "This is a final, appealable order [re: Judgment Awarding Punitive Damages to *Havlish* Plaintiffs Against Iran].").¹

Since Your Honor has granted final judgments to certain plaintiffs against Iran, and not all plaintiffs, we submit this is grossly and patently unfair as it has granted these privileged plaintiffs an advantage in seeking asset execution. We implore Your Honor to reconsider your position, as it is necessary to "level the playing field."

On a separate note, to ensure the *Dimino* plaintiffs are not prejudiced by any delay on the aforesaid issue, we refiled their motion to amend/correct their partial default judgment against Iran to add a claim for economic loss. *See* MDL ECF#10352. We ask Your Honor to rule on the latter motion as soon as possible to ensure the *Dimino* plaintiffs receive a proper January 2025 USVSST distribution (the deadline for filing an amended default judgment with the USVSST is September 20, 2024).

¹ This Court has also determined that an award of treble damages against the Taliban is appropriate. *See* MDL ECF#8929 at 13.

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Sincerely yours,

John F. Schutty